

REMARKS/ARGUMENTS

Reconsideration of the present application, as amended, is respectfully requested.

The June 13, 2003 Office Action and the Examiner's comments have been carefully considered. In response, claims are cancelled and amended, and remarks are set forth below in a sincere effort to place the present application in form for allowance. The amendments are supported by the application as originally filed. Therefore, no new matter is added.

ELECTION/RESTRICTIONS

The Examiner's indication that Applicant has elected claims 1, 3, 5, 6, 8-18, 24 and 25 for further prosecution, that claims 2, 4 and 7 are cancelled and that claims 19-23 are withdrawn from further consideration as being drawn to a non-elected invention is acknowledged.

REJECTION UNDER 35 USC 112, FIRST PARAGRAPH

In the Office Action, claims 9 and 17 are rejected under the first paragraph of 35 USC 112 as failing to comply with the enablement requirement. In response, claims 9 and 17 are cancelled, thereby rendering the rejection under the first paragraph of 35 USC 112 moot.

REJECTION UNDER 35 USC 112, SECOND PARAGRAPH

In the Office Action, claims 1, 3, 5, 6, 8-18, 24 and 25 are rejected under the second paragraph of 35 USC 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner states that Applicant has not clearly and distinctly labeled the parts of the invention. The Examiner contends that Applicant must be consistent in the nomenclature of the parts in the specification and claims and states that many of the names of the elements claimed are not disclosed in the specification. The Examiner provides as an example that there is no mention of an "open/closing valve," "hold diameter changeable member" or "port" as recited in the claims.

In response, the specification is amended to recite the elements set forth in the claims. Specifically, the specification is amended to indicate that the "opening/closing valve" corresponds to flap valve 19, the "second sealing portion" corresponds to the sealing ring portion 28, the "hole diameter changeable member" corresponds to the blade 95, the "housing" corresponds to the main body section 15, and that the "port for

introducing a surgical instrument" corresponds to the large diameter hole 33 or short diameter hole 34.

In view of the amendment of the specification to make the nomenclature of the claims and specification consistent, reconsideration and withdrawal of the rejection under the second paragraph of 35 USC 112 are respectfully requested.

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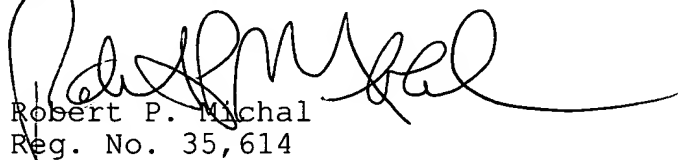
In view of the foregoing, entry of this Amendment under the provisions of 37 C.F.R. 1.116, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner disagrees with any of the foregoing, the Examiner is respectfully requested to point out where there is support for a contrary view.

Appln. No. 09/521,367
Amendment dated December 11, 2003
Reply to Office Action of June 13, 2003

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,



Robert P. Michal
Reg. No. 35,614

Frishauf, Holtz, Goodman & Chick, P.C.
767 Third Avenue - 25th Floor
New York, New York 10017-2032
Tel. (212) 319-4900
Fax (212) 319-5101
RPM/ms
Encl.: Petition For Extension of Time